

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 1. DEPARTMENT OF TRANSPORTATION ADMINISTRATIVE SERVICES

PREAMBLE

- 1. Sections Affected**

R17-1-101	<u>Rulemaking Action</u>
Table A	Amend
Table B	Amend
	New Table
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 28-366 and 41-1073

Implementing statutes: A.R.S. §§ 41-1072 to 41-1076
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Recodification: 7 A.A.R. 919, February 16, 2001

Notice of Rulemaking Docket Opening: 7 A.A.R. 1042, March 2, 2001
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Wendy S. LeStarge Rules Analyst
Address:	Department of Transportation Administrative Rules Unit, Mail Drop 507M 3737 North Seventh Street, Suite 160 Phoenix, Arizona 85014-5017
Telephone:	(602) 712-6007
Fax:	(602) 241-1624
E-mail:	wlestarge@dot.state.az.us

To track progress of this rule and any other agency rulemaking matters, please visit the ADOT web site at: www.dot.state.az.us/about/rules.
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The agency adopted the previous rule, R17-4-710, pursuant to the statutory mandate of A.R.S. §§ 41-1072 to 41-1076 that all state agencies make rules establishing licensing time-frames. The previous rule, R17-4-710, applied only to licensing time-frames in the Motor Vehicle Division. The agency decided to have one time-frames rule to apply to all the agency's divisions, as opposed to a time-frames rule for each division, divided into each Chapter of Title 17. The agency recodified the previous rule, R17-4-710, to the current rule, R17-1-101. This rulemaking originates from the

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continuous survey of the numerous licenses the various divisions issue. At this time, the agency is adding licensing time-frames for various licenses issued by the Intermodal Transportation Division.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

This rulemaking will have minimal to moderate costs, consistent with any formal rulemaking, to the agency, the Governor's Regulatory Review Council, and the Secretary of State's Office. The agency will have additional minimal to moderate costs in order to gather the licensing and reporting data as required pursuant to A.R.S. § 41-1073.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Wendy S. LeStarge
Rules Analyst

Address: Department of Transportation
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Phoenix, Arizona 85014-5017

Telephone: (602) 712-6007

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E-mail: wlestarge@dot.state.az.us

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceeding is schedule for this rulemaking. Written, faxed, e-mail comments, or requests for an oral proceeding may be made by contacting the officer listed in #4 between 8:00 a.m. and 4:30 p.m., Monday through Friday. If no oral proceeding is requested, the public comment period shall continue for 30 days from this notice's publication date. This rulemaking's public record will close at 4:30 p.m. on June 21, 2001.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

**CHAPTER 1. DEPARTMENT OF TRANSPORTATION
ADMINISTRATIVE SERVICES**

ARTICLE 1. GENERAL PROVISIONS

Section
R17-1-101. Licensing Time-frames
Table A. ~~Time-frames~~ Motor Vehicle Division
Table B. Intermodal Transportation Division

ARTICLE 1. GENERAL PROVISIONS

R17-1-101. Licensing Time-frames

- A.** Time-frames. The time-frames listed in ~~Table~~ Tables A and B apply to licenses issued by the ~~Division~~ Department. The licensing time-frames consist of an administrative completeness review time-frame, a substantive review time-frame, and an overall time-frame that have the meanings prescribed in A.R.S. § 41-1072.
1. "~~Division Department~~" means the Arizona Department of Transportation, ~~Motor Vehicle Division~~.
 2. "License" has the meaning prescribed in A.R.S. § 41-1001(10).
- B.** Administrative Completeness Review - Notice of Deficiency. Within the time-frame for the administrative completeness review listed in ~~Table~~ Tables A and B, the ~~Division Department~~ shall notify the applicant in writing that the application is complete or incomplete. If the application is incomplete, the ~~Division Department~~ shall issue a notice of deficiency to the applicant specifying what information is required to make the application administratively complete.
1. The notice of deficiency shall list all missing information.
 2. A notice of deficiency issued by the ~~Division Department~~ within the administrative completeness time-frame suspends the administrative completeness review time-frame and the overall time-frame, from the date the notice of deficiency is issued until the date that the ~~Division Department~~ receives all missing information from the applicant.
- C.** Denial During Administrative Completeness Review. The ~~Division Department~~ shall issue a written notice of denial to the applicant if the applicant does not respond, within 60 days after the date on a notice of deficiency issued under subsection (B), to each item listed in the notice of deficiency.
1. The applicant may waive, in whole or in part, the 60-day response period.
 2. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
- D.** Substantive Review - Comprehensive Request for Additional Information. Within the time-frame for the substantive review listed in ~~Table~~ Tables A and B, the ~~Division Department~~ may issue one comprehensive request for additional information to the applicant.
1. The comprehensive request for additional information shall list all items of information required.
 2. A comprehensive request for additional information issued by the ~~Division Department~~ within the substantive review time-frame suspends the substantive review time-frame and overall time-frame, from the date the request is issued until the date that the ~~Division Department~~ receives all the required additional information from the applicant.
- E.** Substantive Review - Supplemental Request. Within the time-frame for the substantive review listed in ~~Table~~ Tables A and B, and by mutual agreement with the applicant, the ~~Division Department~~ may issue a supplemental request for additional information.
1. A supplemental request for additional information shall specify all items of information required.
 2. A supplemental request for additional information issued by the ~~Division Department~~ within the substantive review time-frame extends the substantive review time-frame and the overall time-frame for a maximum of 25% of the overall time-frame.
- F.** Denial During Substantive Review. The following provisions apply:
1. The ~~Division Department~~ shall notify the applicant in writing that the license is denied, if either of the following occurs:
 - ~~1-a.~~ The applicant does not respond, within 60 days after the date on a comprehensive request for additional information issued under subsection (D), to each item required by the comprehensive request; or
 - ~~2-b.~~ The applicant does not respond, within the time specified on a supplemental request for additional information under subsection (E), to each item required by the supplemental request.
 2. The applicant may waive, in whole or in part, the response period.
 3. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
- G.** Notification after Substantive Review. Upon completion of the substantive review, the ~~Division Department~~ shall notify the applicant in writing that the license is granted or denied. The Department may deny an application before finding administrative completeness if the applicant is not eligible for a license under the relevant statute or rules.
1. Notification shall be made within the overall time-frames listed in ~~Table~~ Tables A and B, unless otherwise tolled.
 2. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
- H.** Applicant Response Period. In computing the applicant's response periods prescribed in this Section, the last day of a response period shall be counted. If the last day is a Saturday, Sunday, or legal holiday, the applicant's response period shall run until the end of the next business day that is not a Saturday, Sunday, or legal holiday.
- I.** Effective Date. This Section applies to applications filed with the ~~Division Department~~ on or after the effective date of this Section.

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Table A. Time frames Motor Vehicle Division

LICENSE	STATUTORY AUTHORITY	ADMINISTRATIVE COMPLETENESS REVIEW TIME-FRAME	SUBSTANTIVE REVIEW TIME-FRAME	OVERALL TIME-FRAME
Fleet registration	A.R.S. §§ 28-2201 to 28-2208	60 days	30 days	90 days
International proportional registration	A.R.S. §§ 28-2231 to 28-2239	20 days	10 days	30 days
Alternative proportional registration	A.R.S. §§ 28-2261 to 28-2269	60 days	30 days	90 days
Personalized special plates	A.R.S. § 28-2406	5 days	30 days	35 days
Traffic survival school or traffic survival school instructor license	A.R.S. §§ 28-3306 to 28-3307	5 days	35 days	40 days
Driver license issued after suspension, revocation or disqualification	A.R.S. § 28-3315	5 days	30 days	35 days
Automotive recycler, broker, motor vehicle dealer or wholesale motor vehicle dealer license	A.R.S. §§ 28-4301 to 28-4366	8 days	117 days	125 days
Manufacturer, distributor, factory branch, or distributor branch license	A.R.S. §§ 28-4301 to 28-4366	6 days	14 days	20 days
Permit to exhibit or display and sell vehicles off dealer's premises	A.R.S. § 28-4401	6 days	9 days	15 days
Permit to exhibit recreational vehicles at public event	A.R.S. § 28-4402	6 days	9 days	15 days
Authorization to use dealer license plates	A.R.S. § 28-4533	7 days	38 days	45 days
Authorization to dispose of junk vehicle	A.R.S. § 28-4882	5 days	45 days	50 days

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License to operate as a title service company	A.R.S. § 28-5003	6 days	14 days	20 days
3rd-party authorization to perform certain title and registration, motor carrier licensing and tax reporting, dealer licensing, and driver license functions*	A.R.S. §§ 28-5101 to 28-5110	5 days	90 days	95 days
3rd-party authorization to issue over-weight and over-dimensional permits	A.R.S. §§ 28-1145 and 28-5101 to 28-5110	5 days	90 days	95 days
Certification of an authorized 3rd party, or the authorized 3rd party's employee or agent, to perform the authorized functions	A.R.S. §§ 28-5101 to 28-5110	5 days	60 days	65 days
Professional driver training school or professional driver training school instructor license	A.R.S. 32-2351 to 32-2393	5 days	35 days	40 days
* The Division shall have the right to determine when an authorized 3rd party may begin to transact business after a license has been granted.				

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Table B. Intermodal Transportation Division

<u>LICENSE</u>	<u>STATUTORY AUTHORITY</u>	<u>ADMINISTRATIVE COMPLETENESS REVIEW TIME-FRAME</u>	<u>SUBSTANTIVE REVIEW TIME-FRAME</u>	<u>OVERALL TIME-FRAME</u>
<u>Outdoor advertising permit</u>	<u>A.R.S. §§ 28-7901 to 28-7909</u>	<u>30 days</u>	<u>30 days</u>	<u>60 days</u>
<u>Encroachment permit</u>	<u>A.R.S. §§ 28-7053(A), 7053(D), 7045(2), 7054(A), 7054(B)</u>	<u>15 days</u>	<u>120 days</u>	<u>135 days</u>
<u>Junkyard screening permit</u>	<u>A.R.S. §§ 28-7941 to 28-7943</u>	<u>10 days</u>	<u>30 days</u>	<u>40 days</u>